

OD-8

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/226/2019

IN THE GOODS OF:
JHARNA LAW (DEC)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 03RD February, 2023.

Appearance:
Mr. Rupak Ghosh, Adv.
Mr. Arnab Dutt, Adv.
Ms. Labani Dey, Adv.
..for the petitioner

The Court: Counsel for the petitioner is present and submits that the testatrix, Jharna Law, had executed her last Will and Testament in presence of three attesting witnesses on 19th September, 2018 by appointing Amar Charan Law and Ashit Charan Law as joint executors of her last Will and Testament. The executrix died on 21st May, 2019. Her husband Achinta Churn Law was the pre-deceased to the testatrix who died on 27th October, 2016.

Counsel for the petitioner submits that both the executors have filed the instant application jointly for grant of probate, but during the pendency of the instant application one of the executor namely, Ashit Charan Law passed away and his death was recorded.

Counsel for the petitioner submits that there was another legal heir Smt. Juthika Dutt who had initially filed the caveat but had not filed any affidavit in support of the caveat and accordingly, vide order dated 9th March, 2021 she has been discharged from her caveat.

Counsel for the petitioner further submits that one of the attesting witnesses of the last Will and Testament, namely, Goutam Sarkar has also filed the affidavit.

Counsel for the petitioner submits that there is no impediment for grant of probate as per of the last Will and Testament dated 19th September, 2018.

Heard learned Counsel for the petitioner, perused original Will, death certificate of Jharna Law and her husband Achinta Churn Law and the affidavit of the attesting witness, namely, Goutam Sarkar. In his affidavit he has categorically stated that the executrix has executed her last Will and Testament in his presence as well as in presence of other two witnesses out of which one was Doctor. He has also stated in his affidavit that at the time of execution of the Will, testatrix was possessing good health and was in fit state of mind.

Considering the above submissions and documents, this Court finds that the petitioner is able to prove the Will and there is no suspicious circumstances to deny for grant of probate.

In view of the above, probate is granted to the petitioner in terms of the last Will and Testament dated 19th September, 2018.

The office is directed to grant to grant probate to the petitioner in terms of the Will after compliance of all formalities and at the time of grant of probate, the copy of the Will may be made as part of the probate.

PLA No. 226 of 2018 is disposed of.

(KRISHNA RAO, J.)